

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
v.)
JULIO SANTIAGO et al.) Criminal No. 04-10336-NMG
Defendants)

GOVERNMENT'S MOTION FOR CONTINUANCE AND EXCLUDABLE DELAY

Now comes the United States, through the undersigned attorney, and respectfully moves this Court to continue the trial date in the above-captioned matter from March 27, 2006, to a date convenient for all parties in the fourth week of April 2006, for an interim status conference. The government further moves for exclusion of the time period under the Speedy Trial Act from March 27, 2006, to the date of the proposed status conference in the interest of justice given the posture of these cases (as set forth below). 18 U.S.C. 3161(h)(8)(A).

As Grounds therefor, the government offers the following in support for its Motion for Continuance:

The undersigned prosecutor, who was assigned this case within the past 6 months, is engaged in ongoing plea-related discussions with several defendants in this case. Additional time would afford the parties an opportunity to further explore and cement the potential disposition of several of the defendants' cases prior to trial.

The undersigned prosecutor, along with counsel for Luis Sanchez (Robert Goldstein), is involved in the case of United States v. Arlindo Dossantos et al., No. 01-10279-DPW, a complex historical marijuana conspiracy that was recently rescheduled for trial on March 27, 2006. It is anticipated that this trial

will last approximately 4 weeks. The Dossantos matter has resulted in intense, ongoing litigation encompassing allegations of government misconduct, Kastigar-related issues, the effect of a breached plea agreement on post-plea agreement admissions by a defendant, Bruton issues, conflict-of-interest hearings, and motions to unseal brought by the print media. The case, which is now more than 5 years old, was originally scheduled for trial on February 27, 2006, but was recently rescheduled (on January 23, 2006) to March 27, 2006, in order to resolve several important pretrial motions.

The undersigned prosecutor has also been occupied in other pending matters, including a sentencing hearing before Judge Young in the case United States v. Rudolph Hardial, No. 04-10337: discovery-related matters, including contested Disclosure of Confidential Informants' Identities, in United States v. Sophoan Oung et al., No. 05-10262-PBS; a jury-waived trial and sentencing in United States v. Lynn Alberico, No. 02-10243; a conflict of interest matter in United States v. John Martin (this case); and several active, ongoing investigations.

The undersigned prosecutor is also designated a Special Assistant Attorney General and in that capacity is scheduled to begin a trial on May 22, 2006 in Dedham Superior Court which has been marked "No Further Continuances" in the case of Commonwealth v. Timothy White, No. 03-0154. The case is actually a re-trial involving a state trooper charged with the theft of over 25 pounds of cocaine from State Police custody and the domestic abuse of his wife. The initial trial, which resulted in a series of convictions and acquittals as well as a deadlocked jury on the most serious drug offenses, took more than 4 weeks to try.

I have communicated my intention to file this Motion for Continuance and Excludable Delay with opposing counsel. To date, Attorneys Carl Donaldson, Robert Goldstein, Tony Scola, Cathryne Byrne, and Elliot Weinstein have expressed no objection to the motion. Attorneys Lenore Glaser and John Palmer neither assent nor object to the motion.

For the above-enunciated reasons, the government respectfully requests that the trial be continued from March 27, 2006, to a date convenient for all parties in the fourth week of April 2006, for an interim status conference so that the parties may update the Court on the status of plea negotiations and a trial date agreeable to all parties may be set. The government further requests that the Court exclude from the Speedy Trial Act the period of time from March 27, 2006, to the next court date in the interest of justice given the posture of these cases. See 18 U.S.C. 3161(h)(8)(A).

Respectfully submitted,
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CERTIFICATE OF SERVICE

I, William F. Bloomer, hereby certify that this document filed through the ECF system on January 27, 2006, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as non registered participants this date via U.S Postal Service, postage prepaid.

/s/William F. Bloomer
WILLIAM F. BLOOMER

Date: 27 January 2006